



**ethnic
communities'
council of
victoria**

Response to *Review of the Health Act 1958: Draft policy paper – for consultation. November 2005.*

The Ethnic Communities' Council of Victoria (ECCV) thanks the Department of Human Services for the opportunity to provide a response to the *Review of the Health Act 1958: Draft policy paper – for consultation (November 2005)*.

Established in 1974, the ECCV is the peak, non-government body representing ethnic communities in Victoria through which common concerns are discussed, consultation and liaison is carried out with ethnic communities, and issues are brought to the attention of all levels of government.

The ECCV has a membership of more than 170 member organizations, which is made up of ordinary, associate and individual members.

The fact that the draft policy paper follows on from the earlier discussion paper in August 2004 where responses were gained from a wide range of groups, is to be commended as part of an ongoing process.

The aim of the review to provide public health legislation that is modern, enabling effective responses to public health threats while at the same time ensuring individuals are respected, protected and supported in taking responsibility for their health is a significant positive.

The ECCV particularly commends the review's stated aim of supporting programs that promote and advance broader public health initiatives and the reduction in health inequalities.

The Victorian Council of Social Service in its submission to the August 2004 Discussion paper said that: "As noted in the Discussion Paper, particular population groups, including Indigenous Victorians, people from culturally and linguistically diverse communities (CALD), and people of low socio-economic status, experience significantly lower health outcomes than do other members of the Victorian community".

The ECCV believes, as a general principal, that addressing this health inequality should be a key component of the review of the Health Act 1958.

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Another overarching principal that should be applied in the review is the need to ensure that where people's rights are imposed on – for example in the imposition of orders carried out by authorized officers of the Health Department – that those individuals, as much as it is practicably possible, should fully understand, before the orders are carried out, what is happening to them.

A significant proportion of Victoria's population comes from a non-English-speaking-background – and the need to recognize this in all aspects of carrying out the act should be paramount.

People, particularly from NESB who may have limited understanding of their obligations under the act, should be fully informed about their rights and responsibilities in the carrying out of any orders.

Another major concern for the ECCV is the fact that it is being proposed in the draft act that where individuals want to appeal decisions this is to be done before the Supreme Court.

The ECCV believes that the cost of going before the Supreme Court is prohibitive for most individuals and that this appeal process should be held at VCAT.

(See the ECCV's attached comments on particular aspects of the 242 recommendations that have come out of the draft policy paper).

The ECCV gives its permission for its submission on the review of the Health Act 1958 to be put on the Department of Human Services website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phong Nguyen', with a long horizontal flourish underneath.

Phong Nguyen
Chairperson